

**BOARD OF SUPERVISORS**

**MINUTES**

**November 21, 2006**

**Supervisors in Attendance:**

Mr. R. M. "Dickie" King, Jr.,  
Chairman  
Mr. Kelly E. Miller, Vice Chrm.  
Mrs. Renny Bush Humphrey  
Mr. Donald D. Sowder  
Mr. Arthur S. Warren  
  
Mr. Lane B. Ramsey  
County Administrator

**Staff in Attendance:**

Colonel Carl R. Baker,  
Police Department  
Mr. George Braunstein,  
Exec. Dir., Community  
Services Board  
Mr. Kevin Bruny, Dean,  
Chesterfield University  
Mr. Allan Carmody, Dir.,  
Budget and Management  
Ms. Marilyn Cole, Asst.  
County Administrator  
Mr. Roy Covington, Dir.,  
Utilities  
Ms. Mary Ann Curtin, Dir.,  
Intergovtl. Relations  
Mr. Jonathan Davis, Dir.,  
Real Estate Assessments  
Mr. Will Davis, Dir.,  
Economic Development  
Ms. Rebecca Dickson, Dep.  
County Administrator for  
Human Services  
Ms. Deborah Dugger, Dir.,  
Youth Group Home  
Ms. Lisa Elko, CMC,  
Clerk  
Ms. Karla Gerner, Dir.,  
Human Resource Mgmt.  
Mr. Michael Golden, Dir.,  
Parks and Recreation  
Mr. John W. Harmon,  
Right-of-Way Manager  
Mr. Russell Harris, Mgr.  
of Community Development  
Services  
Mr. Thomas E. Jacobson,  
Dir., Revitalization  
Mr. Donald Kappel, Dir.,  
Public Affairs  
Mr. Louis Lassiter, Dir.,  
Internal Audit  
Ms. Mary Lou Lyle, Dir.,  
Accounting  
Mr. Mike Mabe, Dir.,  
Libraries  
Chief Paul Mauger,  
Fire Department  
Mr. R. John McCracken,  
Dir., Transportation  
Mr. Richard M. McElfish,  
Dir., Env. Engineering  
Mr. Steven L. Micas,  
County Attorney

Dr. Marcus Newsome, Supt.  
of Schools  
Mr. Francis Pitaro, Dir.,  
General Services  
Mr. James J. L. Stegmaier,  
Deputy Co. Admin.,  
Management Services  
Mr. M. D. Stith, Jr.,  
Deputy Co. Admin.,  
Community Development  
Mr. Kirk Turner, Dir.,  
Planning

Mr. King called the regularly scheduled meeting to order at 4:03 p.m.

**1. APPROVAL OF MINUTES FOR NOVEMBER 8, 2006**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved the minutes of November 8, 2006, as submitted.

Ayes: King, Miller, Humphrey, Sowder and Warren.  
Nays: None.

**2. COUNTY ADMINISTRATOR'S COMMENTS**

**2.A. COMPREHENSIVE ANNUAL FINANCIAL REPORT PRESENTATION**

Mr. Ramsey introduced Ms. Elizabeth Foster, engagement partner from KPMG, LLP.

Ms. Foster stated the FY2006 audit is officially complete, and all opinions issued were unqualified. She further stated an audit was performed of federal funds, which revealed insignificant findings.

Mr. King thanked Ms. Foster for her efforts in the auditing process. He also commended Mr. Ramsey and county staff on the favorable results of the audit.

Mr. Ramsey commended all staff involved in the audit process for outstanding performance.

**2.B. VIRGINIA STATE UNIVERSITY MASTER PLAN PRESENTATION**

President Eddie Moore, Virginia State University, provided details of the recently adopted Campus Master Plan for Virginia State University. He stated improvements proposed in the plan include expansion, renovation and replacement of existing buildings and dormitories; closing/removal of various roads and proposed traffic circulation; enhanced landscaping; additional office space and dormitories; acquisition of land; and development of a campus landmark and convocation and performing arts centers. He further stated the total cost of the improvements is approximately \$1 billion. He reviewed short, mid- and long-term goals of the university. He requested that the county provide assistance in acquiring property; support for the convocation center; information regarding the county's plans for widening River Road and ultimately Chesterfield Avenue and the kinds of

business that the county plans to attract to the Ettrick area, which will assist VSU in planning for mixed-use buildings; and expanded police presence in the Community Action Program.

Discussion ensued relative to the impact of the BRAC expansion on the university.

President Moore congratulated Mr. Stith, who will be honored on December 16, 2006 at VSU with an honorary doctorate award.

Mr. Jacobson introduced Ms. Laura Lee Garrett, Urban Land Institute Technical Assistance Panel Chairperson, to review the recommendations of the panel relative to Chesterfield Avenue in Ettrick as it relates to VSU's master plan.

Ms. Garrett highlighted several of the ULI panel's recommendations for Chesterfield Avenue, including streetscape improvements; additional signage; and expanded retail services.

### **3. BOARD MEMBER REPORTS**

There were no Board member reports at this time.

### **4. REQUESTS TO POSTPONE AGENDA ITEMS AND ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION**

On motion of Mr. Warren, seconded by Mr. King, the Board added Item 8.C.7., Approval of Purchase of a Parcel of Land for Reams/Gordon Library; added Item 8.C.8., Approval of Purchase of Two Parcels of Land for Reams/Gordon Library; and adopted the Agenda, as amended.

Ayes: King, Miller, Humphrey, Sowder and Warren.  
Nays: None.

### **5. RESOLUTIONS AND RECOGNITIONS**

#### **O RECOGNIZING CAREER DETECTIVE RICHARD R. REID, JR., POLICE DEPARTMENT, UPON HIS RETIREMENT**

Colonel Baker introduced Career Detective Richard Reid, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Career Detective Richard R. Reid, Jr. will retire from the Chesterfield County Police Department on December 1, 2006, after providing 26 years of quality service to the citizens of Chesterfield County; and

WHEREAS, Detective Reid has faithfully served the county in the capacity of Patrol Officer, Investigator Sergeant, Detective, Detective 1<sup>st</sup> Class, Senior Detective, Master Detective and Career Detective; and

WHEREAS, during his tenure, Detective Reid has served as a General Instructor, Field Training Officer, Hostage

Negotiator, Search and Rescue Coordinator and member of the Marine Patrol; and

WHEREAS, Detective Reid served as a member of numerous Homicide Task Forces, including the Cloverleaf Mall Homicide Task Force, Newby's Court Homicide Task Force, Williamson Murder Task Force, and the 288 Auto Murder Task Force; and

WHEREAS, Detective Reid was deputized to serve as a member of the Capital Area Regional Fugitive Task Force; and

WHEREAS, Detective Reid received a Unit Citation Award as a member of the Fugitive Section for his dedication to duty and tireless efforts in bringing criminals to justice, whereby approximately 1,000 warrants were served; and

WHEREAS, Detective Reid received an Award of Commendation for distinguishing himself in the resolution of a major case of vandalism perpetrated against the residents of Chesterfield County, where a total of 72 reports of vandalism resulted in over \$18,000 worth of damage, and due to the skills, abilities and dedication of Detective Reid and other team members, all 72 cases were cleared, and in addition, the City of Hopewell was able to clear 35 similar vandalism cases; and

WHEREAS, Detective Reid has received numerous letters of thanks and appreciation for service rendered from the citizens of Chesterfield County; and

WHEREAS, Detective Reid has provided the Chesterfield County Police Department with many years of loyal and dedicated service; and

WHEREAS, Chesterfield County and the Board of Supervisors will miss Detective Reid's diligent service.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 21<sup>st</sup> day of November 2006, publicly recognizes Career Detective Richard R. Reid, Jr., and extends on behalf of its members and the citizens of Chesterfield County, appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Detective Reid and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: King, Miller, Humphrey, Sowder and Warren.  
Nays: None.

Mr. King presented the executed resolution and a Jefferson Cup to Detective Reid, accompanied by Colonel Baker, expressed appreciation for his outstanding service to the county, and wished him well in his retirement.

Detective Reid stated he is blessed to have had a career with the Chesterfield Police Department.

## **6. WORK SESSIONS**

There were no work sessions at this time.

## **7. DEFERRED ITEMS**

There were no deferred items at this time.

## **8. NEW BUSINESS**

### **8.A. FY2006 RESULTS OF OPERATIONS REPORT**

Mr. Carmody presented a summary of FY2006 Results of Operations. He reviewed excess revenue and expenditure savings that resulted in positive results. He then reviewed staff's recommendations for both county and school use of the surplus funds in FY2007 and FY2008.

In response to Mr. Miller's question, Mr. Carmody stated the FY2008 budget has been built around an estimated 15 percent increase in real estate assessments.

Discussion ensued relative to the funding designated for school security and safety upgrades.

Mr. Newsome expressed concerns relative to inadequate security at county schools with trailers. He stated a task force was put together with school and police personnel to address this issue, indicating that there will be an ongoing process for safety audits at the schools. He noted the proposed funding represents a minimum requirement to begin the process of addressing security issues, and additional resources will be needed in the future to address this escalating need. He stated the funding will be used to secure the doors at schools with trailer classrooms, place monitors at the entrance of all the elementary schools so that staff will know who is coming and going from the building, and provide additional monitors and surveillance cameras in middle and high schools.

On motion of Mr. King, seconded by Mr. Miller, the Board set the date of December 13, 2006 at 7:00 p.m. for a public hearing for the Board to consider amending the FY2007 budget to increase the transfer to Schools by \$5 million for security upgrades and bus and vehicle replacements.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

In response to Board members' questions, Mr. Ramsey stated the Board is being requested to designate funding at this time, but will not actually make the appropriations until the FY2008 budget is adopted.

On motion of Mr. King, seconded by Mr. Miller, the Board designated \$5,500,000 to address the FY2007 impact of a potential reduction in the 2007 real estate tax rate; designated \$5,000,000 for use in FY2008 as a transfer to capital projects; designated \$1,815,000 for use in FY2008 to address non-recurring needs in county departments; designated \$2,700,000 for use in FY2007 for security and safety upgrades in all middle and elementary schools; designated \$2,300,000 for use in FY2007 for non-recurring expenses (bus and vehicle replacements); and designated \$4,184,000 for School Capital Projects in the FY2008 Capital Improvement Program.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

## **8.B. APPOINTMENTS**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board suspended its rules at this time to allow for simultaneous nomination/appointment of a member to serve on the Richmond Regional Planning District Commission and the Richmond Metropolitan Transportation Planning Organization.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

### **O RICHMOND REGIONAL PLANNING DISTRICT COMMISSION AND THE RICHMOND METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION**

On motion of Mr. Miller, seconded by Mr. Warren, the Board simultaneously nominated/appointed Mr. Donald D. Sowder to serve on the Richmond Regional Planning District Commission and the Richmond Metropolitan Transportation Planning Organization, whose term is effective immediately and expires December 31, 2007.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

## **8.C. CONSENT ITEMS**

### **8.C.1. SET DATE FOR PUBLIC HEARINGS**

#### **8.C.1.b. TO CONSIDER PROPOSED AMENDMENTS TO WATER QUALITY ORDINANCES IN THE UPPER SWIFT CREEK WATERSHED**

On motion of Mr. Miller, seconded by Mr. King, the Board set the date of December 13, 2006 at 7:00 p.m. for a public hearing for the Board to consider amendments to the water quality ordinances in the Upper Swift Creek Watershed.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

#### **8.C.1.c. TO CONSIDER THE CONVEYANCE OF LEASES OF REAL PROPERTY AT VARIOUS PARK SITES AND ATHLETIC COMPLEXES FOR OPERATION OF FOOD CONCESSIONS BY CO-SPONSORED ATHLETIC ASSOCIATIONS AND LEAGUES**

On motion of Mr. Miller, seconded by Mr. King, the Board set the date of December 13, 2006 at 7:00 p.m. for a public hearing for the Board to consider the conveyance of leases of real property at various park sites and athletic complexes for operation of food concessions by co-sponsored athletic associations and leagues.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

#### **8.C.1.d. TO CONSIDER AMENDMENT TO SECTION 19-25 OF THE COUNTY CODE RELATING TO PLANNING DEPARTMENT FEE EXEMPTIONS FOR QUALIFYING PROPERTY IN THE JEFFERSON DAVIS AND WALTHALL ENTERPRISE SUBZONES**

On motion of Mr. Miller, seconded by Mr. King, the Board set the date of December 13, 2006 at 7:00 p.m. for a public hearing for the Board to consider an amendment to Section 19-

25 of the County Code relating to Planning Department fee exemptions for qualifying property in the Jefferson Davis and Walthall Enterprise Subzones.

Ayes: King, Miller, Humphrey, Sowder and Warren.  
Nays: None.

**8.C.2. STATE ROAD ACCEPTANCE**

On motion of Mr. Miller, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**Type Change to the Secondary System of State Highways:      Addition**

**Basis for Change:**                      **Addition, Secondary System, New subdivision street**

**Statutory Reference:**                  **§33.1-229**

**Project:**                      **Greenbriar Woods, Section 1; remainder of**  
**●                      Override Drive, State Route Number: 1199**

**From:**                      **Finney Pl., (Rt. 7036)**

**To:**                      **0.6 mi. SW of Finney Pl., (Rt. 7036), a distance of: 0.06 miles.**

Right-of-way record was filed on 6/14/2006 with the Office Of Clerk To Circuit Court in Pb 144, Pg 71,  
with a width of 50 feet

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision

Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**Type Change to the Secondary System of State Highways:**      **Addition**

**Basis for Change:**                      **Addition, Secondary System, New subdivision street**

**Statutory Reference:**                **§33.1-229**

**Project:**                      **Barrow Place, Section 2**

- **Stonegate Road, State Route Number: 1238**

From:                      0.16 mi. E of Barrow Pl., (Rt. 1244)

To:                              Stonegate Ct., (Rt. 7122), a distance of: 0.04 miles.

Right-of-way record was filed on 3/29/2001 with the Office Of Clerk To Circuit Court in Pb 116, Pg 28,  
with a width of 50 feet

- **Stonegate Court, State Route Number: 7122**

From:                      Stonegate Rd., (Rt. 1238)

To:                              Cul-de-sac, a distance of: 0.10 miles.

Right-of-way record was filed on 3/29/2001 with the Office Of Clerk To Circuit Court in Pb 116, Pg 28,  
with a width of 50 feet

- **Stonegate Road, State Route Number: 1238**

From:                      Stonegate Ct., (Rt. 7122)

To:                              Cul-de-sac, a distance of: 0.13 miles.

Right-of-way record was filed on 3/29/2001 with the Office Of Clerk To Circuit Court in Pb 116, Pg 28,  
with a width of 50 feet

Ayes: King, Miller, Humphrey, Sowder and Warren.  
Nays: None.

**8.C.3.      AWARD OF CONSTRUCTION CONTRACTS**

**8.C.3.a.      FOR THE SWIFT CREEK DAM SHORELINE STABILIZATION PROJECT TO FANS LAND SERVICES, LLC**

On motion of Mr. Miller, seconded by Mr. King, the Board awarded a construction contract to Fans Land Services, LLC, in the amount of \$137,640, for the Swift Creek Dam Shoreline Stabilization Project; authorized a transfer of \$50,000 from

the water fund balance; and authorized the County Administrator to execute the necessary documents.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

**8.C.3.b. FOR THE CHESDIN WEST PUMPING STATION**

On motion of Mr. Miller, seconded by Mr. King, the Board awarded a construction contract, in the amount of \$6,223,111 to Southwood Builders, Incorporated for the Chesdin West Pumping Station Project; transferred \$2,050,000 from 5H-58350-050147E to 5H-58350-050148E; and authorized the County Administrator to execute the necessary documents.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

**8.C.4. ACCEPTANCE OF A PARCEL OF LAND ALONG THE NORTH RIGHT OF WAY LINE OF BAILEY BRIDGE ROAD FROM CLOVER HILL ASSEMBLY OF GOD CHURCH**

On motion of Mr. Miller, seconded by Mr. King, the Board accepted the conveyance of a parcel of land containing 0.0745 acres along the north right of way line of Bailey Bridge Road (State Route 654) from Clover Hill Assembly of God Church, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

**8.C.5. REQUESTS FOR PERMISSION**

**8.C.5.a. FROM AUDRA BRANZELLE, FORMERLY AUDRA D. SHIVELY, TO INSTALL A PRIVATE WATER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON HAPPY HILL ROAD**

On motion of Mr. Miller, seconded by Mr. King, the Board approved a request from Audra Branzelle, formerly Audra D. Shively, for permission to install a private water service within a private easement to serve property at 14021 Happy Hill Road, and authorized the County Administrator to execute the water connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

**8.C.5.b. FROM AMPLE STORAGE JEFF DAVIS, LLC FOR EXISTING CONCRETE PAVING TO ENCROACH WITHIN A SIXTEEN-FOOT WATER EASEMENT AND A VARIABLE WIDTH WATER EASEMENT**

On motion of Mr. Miller, seconded by Mr. King, the Board approved a request from Ample Storage Jeff Davis, LLC for permission for existing concrete paving to encroach within a 16-foot water easement and a variable width water easement,

subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

#### **8.C.6. ADOPTION OF RESOLUTIONS**

##### **8.C.6.a. RECOGNIZING FIREFIGHTER WILLIAM M. CRUMP, CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mr. Miller, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Firefighter William M. Crump will retire from the Fire and Emergency Medical Services Department, Chesterfield County, on December 1, 2006; and

WHEREAS, Firefighter Crump attended Recruit School #10 in 1979 and has faithfully served the county for over 27 years in various assignments as a Firefighter at the Ettrick, Manchester, Dutch Gap, Bensley, Wagstaff, Bon Air, Matoaca, and Swift Creek Fire & EMS Stations; as a Firefighter/Paramedic at Forest View Station #2 and as a Firefighter/Assistant Fire Marshal in the Fire Marshal's Office of the Fire and Life Safety Division; and

WHEREAS, Firefighter Crump was instrumental in the development and implementation of the department's fitness program; and

WHEREAS, Firefighter Crump was recognized by the U. S. Department of Agriculture Forest Service during his deployment to fight wild land fires in Montana and Idaho in August 1988; and

WHEREAS, Firefighter Crump was recognized in February 2000 and in September 2003 with Emergency Medical Services awards for his role in saving the lives of citizens suffering from cardiac arrests.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the contributions of Firefighter William M. Crump, expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service and congratulations upon his retirement.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

##### **8.C.6.b. RECOGNIZING MR. BENJAMIN WELLS UPON ATTAINING THE RANK OF EAGLE SCOUT**

On motion of Mr. Miller, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Benjamin Barksdale Wells, Troop 286, sponsored by Trinity United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Benjamin has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes Mr. Benjamin Barksdale Wells, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the county to have such an outstanding young man as one of its citizens.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

**8.C.7. APPROVAL OF PURCHASE OF A PARCEL OF LAND FOR REAMS/GORDON LIBRARY**

On motion of Mr. Miller, seconded by Mr. King, the Board approved the purchase of a parcel of land containing 9.1 acres, more or less, for \$90,000 per acre, from James W. Craze, for Reams/Gordon Library, and authorized the County Administrator to execute the sales contract and deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

**8.C.8. APPROVAL OF PURCHASE OF TWO PARCELS OF LAND FOR REAMS/GORDON LIBRARY**

On motion of Mr. Miller, seconded by Mr. King, the Board approved the purchase of two parcels of land containing a total of 2.5 acres, more or less, for \$300,000, from Melba H. Waldron, for Reams/Gordon Library, and authorized the County Administrator to execute the sales contract and deed. (It is

noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Humphrey, Sowder and Warren.  
Nays: None.

The following item was removed from the Consent Agenda for Board discussion:

8.C.1.a TO CONSIDER AMENDING AN ORDINANCE TO PROHIBIT GRASS, WEEDS AND BRUSH EXCEEDING EIGHTEEN INCHES IN HEIGHT ON VACANT PROPERTY ZONED AGRICULTURAL

Mrs. Humphrey requested that photographs of what the Board is considering to prohibit be provided at the December 13<sup>th</sup> public hearing.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board set the date of December 13, 2006 at 7:00 p.m. for a public hearing for the Board to consider amending Section 11-32 of the County Code to prohibit grass, weeds and brush exceeding 18 inches in agricultural districts.

Ayes: King, Miller, Humphrey, Sowder and Warren.  
Nays: None.

9. REPORTS

9.A. REPORT ON STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

9.B. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS

9.C. REPORT ON ROADS ACCEPTED INTO THE STATE SECONDARY SYSTEM

On motion of Mr. King, seconded by Mr. Warren, the Board accepted the following reports: a Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; and a Report on Developer Water and Sewer Contracts.

And, further, the following roads were accepted into the State Secondary System:

<u>ADDITION</u>	<u>LENGTH</u>
<u>BON AIR CREST</u> (Effective 10/31/2006)	
Bon Air Crest Drive (Route 7089) - From Old Bon Air Road (Route 718) to Bon Air Crest Place (Route 7090)	0.07 Mi.
Bon Air Crest Drive (Route 7089) - From Bon Air Crest Place (Route 7090) to Cul-de-sac	0.10 Mi.
Bon Air Crest Place (Route 7090) - From Bon Air Crest Drive (Route 7089) to Cul-de-sac	0.01 Mi.

BONCREEK

(Effective 10/30/2006)

Boncreek Place (Route 7092) - From Dwayne Lane  
(Route 877) to Cul-de-sac 0.06 Mi.

Winslow Road (Route 1964) - From 0.02 mile  
northwest of Dwayne Lane (Route 877) to Woodshill  
Court (Route 7091) 0.04 Mi.

Winslow Road (Route 1964) - From Woodshill Court  
(Route 7091) to Cul-de-sac 0.02 Mi.

Woodshill Court (Route 7091) - From Winslow Road  
(Route 1964) to Cul-de-sac 0.12 Mi.

CHESTER GROVE

(Effective 10/31/2006)

Chester Grove Court (Route 5981) - From Chester  
Grove Drive (Route 5980) to Cul-de-sac 0.05 Mi.

Chester Grove Drive (Route 5980) - From Chester  
Grove Court (Route 5981) to Piney Ridge Court  
(Route 5982) 0.06 Mi.

Chester Grove Drive (Route 5980) - From Carver  
Heights Drive (Route 708) to Chester Grove Drive  
(Route 5980) 0.26 Mi.

Chester Grove Drive (Route 5980) - From Piney  
Ridge Court (Route 5982) to Cul-de-sac 0.27 Mi.

Piney Ridge Court (Route 5982) - From Chester  
Grove Drive (Route 5980) to Cul-de-sac 0.03 Mi.

EAST OAKLAKE BOULEVARD

(Effective 10/30/2006)

East Oaklake Boulevard (Route 5903) - From  
Wilfong Drive (Route 5988) to Oaklake Boulevard  
(Route 5903) 0.15 Mi.

East Oaklake Boulevard (Route 5903) - From 0.16  
mile southeast of Wilfong Drive (Route 5988) to  
Wilfong Drive (Route 5988) 0.08 Mi.

Wilfong Drive (Route 5988) - From 0.15 mile  
southeast of Oaklake Boulevard (Route 5903)  
to Oaklake Boulevard (Route 5903) 0.09 Mi.

FOUNDERS BRIDGE, SECTION 1

(Effective 10/30/2006)

Fernvale Court (Route 7095) - From Mabry Mill  
Drive (Route 7063) to Cul-de-sac 0.08 Mi.

Founders Bridge Road (Route 7062) - From Mabry  
Mill Drive (Route 7063) to temporary end of  
maintenance 0.01 Mi.

Founders Bridge Road (Route 7062) - From 0.04  
mile south of Founders Bridge Boulevard (Route  
1160) to Swallowtail Place (Route 7093) 0.06 Mi.

Founders Bridge Road (Route 7062) - From Swallowtail Place (Route 7093) to Swallowtail Place (Route 7093)	0.12 Mi.
Founders Bridge Road (Route 7062) - From Swallowtail Place (Route 7093) to Mabry Mill Drive (Route 7063)	0.21 Mi.
Mabry Mill Drive (Route 7063) - From Fernvale Court (Route 7095) to temporary end of maintenance	0.09 Mi.
Mabry Mill Drive (Route 7063) - From Mulberry Row Road (Route 7094) to Fernvale Court (Route 7095)	0.03 Mi.
Mabry Mill Drive (Route 7063) - From Founders Bridge Road (Route 7062) to Mulberry Row Road (Route 7094)	0.12 Mi.
Mulberry Row Road (Route 7094) - From Mabry Mill Drive (Route 7063) to Cul-de-sac	0.18 Mi.
Swallowtail Place (Route 7093) - From Founders Bridge Road (Route 7062) to Founders Bridge Road (Route 7062)	0.17 Mi.
<u>FOUNDERS BRIDGE, SECTION 2</u> (Effective 10/30/2006)	
Founders Bridge Court (Route 7096) - From Founders Bridge Road (Route 7062) to Cul-de-sac	0.04 Mi.
Founders Bridge Court (Route 7062) - From Maple Hall Drive (Route 7097) to Founders Bridge Terrace (Route 7099)	0.20 Mi.
Founders Bridge Road (Route 7062) - From Founders Bridge Terrace (Route 7099) to North Otterdale Road (Route 970)	0.10 Mi.
Founders Bridge Road (Route 7062) - From Founders Bridge Court (Route 7096) to Maple Hall Drive (Route 7097)	0.18 Mi.
Founders Bridge Road (Route 7062) - From 0.01 mile south of Mabry Mill Drive (Route 7063) to Founders Bridge Court (Route 7096)	0.08 Mi.
Founders Bridge Road (Route 7062) - From North Otterdale Road (Route 970) to Cul-de-sac	0.07 Mi.
Founders Bridge Terrace (Route 7099) - From Founders Bridge Road (Route 7062) to Cul-de-sac	0.19 Mi.
Maple Hall Court (Route 7098) - From Maple Hall Drive (Route 7097) to Cul-de-sac	0.08 Mi.
Maple Hall Drive (Route 7097) - From Founders Bridge Road (Route 7062) to Maple Hall Court (Route 7098)	0.14 Mi.

Maple Hall Drive (Route 7097) - From Maple Hall Court (Route 7098) to temporary end of maintenance	0.17 Mi.
--	----------

North Otterdale Road (Route 5920) - From Founders Bridge Road (Route 7062) to temporary end of maintenance	0.06 Mi.
--	----------

STONEY GLEN SOUTH, SECTION 5  
(Effective 10/31/2006)

Faraday Drive (Route 5670) - From 0.03 mile east of Dalamere Drive (Route 5868) to Medinah Place (Route 5958)	0.04 Mi.
---	----------

Faraday Drive (Route 5670) - From Medinah Place (Route 5958) to Faraday Terrace (Route 5960)	0.06 Mi.
--	----------

Faraday Terrace (Route 5960) - From Faraday Drive (Route 5670) to Cul-de-sac	0.05 Mi.
--	----------

Faraday Terrace (Route 5960) - From Faraday Drive (Route 5670) to Cul-de-sac	0.14 Mi.
--	----------

Medinah Court (Route 5959) - From Faraday Drive (Route 5670) to Cul-de-sac	0.12 Mi.
--	----------

Medinah Place (Route 5958) - From Faraday Drive (Route 5670) to Cul-de-sac	0.10 Mi.
--	----------

SUMMERLAKE, SECTION 4  
(Effective 10/30/2006)

Blakeway Drive (Route 7078) - From Blakeway Place (Route 7079) to Cul-de-sac	0.06 Mi.
--	----------

Blakeway Drive (Route 7078) - From Lake Summer Place (Route 5657) to Blakeway Place (Route 7079)	0.06 Mi.
--	----------

Blakeway Place (Route 7079) - From Blakeway Drive (Route 7078) to Cul-de-sac	0.01 Mi.
--	----------

Cove Neck Court (Route 7084) - From Lake Summer Drive (Route 5657) to Cul-de-sac	0.02 Mi.
--	----------

Jennway Court (Route 7081) - From Jennway Loop (Route 7080) to Cul-de-sac	0.02 Mi.
---	----------

Jennway Loop (Route 7080) - From Lake Summer Drive (Route 5657) to temporary end of maintenance	0.01 Mi.
---	----------

Jennway Loop (Route 7080) - From Jennway Court (Route 7081) to Jennway Terrace (Route 7082)	0.20 Mi.
---	----------

Jennway Loop (Route 7080) - From Lake Summer Drive (Route 5657) to Jennway Court (Route 7081)	0.02 Mi.
---	----------

Jennway Loop (Route 7080) - From Jennway Place (Route 7083) to temporary end of maintenance	0.05 Mi.
---	----------

Jennway Place (Route 7083) - From Jennway Loop (Route 7080) to Cul-de-sac	0.03 Mi.
---	----------

Jennway Terrace (Route 7082) - From Jennway Loop (Route 7080) to temporary end of maintenance	0.02 Mi.
Lake Summer Drive (Route 5657) - From Nevil Bend Lane (Route 7086) to Jennway Loop (Route 7080)	0.14 Mi.
Lake Summer Drive (Route 5657) - From Jennway Loop (Route 7080) to Cove Neck Court (Route 7084)	0.06 Mi.
Lake Summer Drive (Route 5657) - From 0.02 mile west of Jaydee Drive (Route 5664) to Blakeway Drive (Route 7078)	0.09 Mi.
Lake Summer Drive (Route 5657) - From Cove Neck Court (Route 7084) to Nevil Bend Lane (Route 7086)	0.07 Mi.
Lake Summer Drive (Route 5657) - From Jennway Loop (Route 7080) to temporary end of maintenance	0.12 Mi.
Lake Summer Mews (Route 7085) - From Lake Summer Drive (Route 5657) to temporary end of maintenance	0.01 Mi.
Nevil Bend Lane (Route 7086) - From Lake Summer Drive (Route 5657) to temporary end of maintenance	0.01 Mi.
Nevil Bend Turn (Route 7087) - From Lake Summer Drive (Route 5657) to temporary end of maintenance	0.01 Mi.
<u>SUMMERS TRACE, SECTION A</u> (Effective 10/31/2006)	
Summers Trace Court (Route 7042) - From Summers Trace Drive (Route 7041) to Cul-de-sac	0.06 Mi.
Summers Trace Drive (Route 7041) - From Summers Trace Court (Route 7042) to Summers Trace Terrace (Route 7043)	0.07 Mi.
Summers Trace Drive (Route 7041) - From Dortonway Drive (Route 2767) to Summers Trace Court (Route 7042)	0.07 Mi.
Summers Trace Terrace (Route 7043) - From Summers Trace Drive (Route 7041) to Cul-de-sac	0.05 Mi.
Summers Trace Terrace (Route 7043) - From Summers Trace Drive (Route 7041) to Cul-de-sac	0.10 Mi.
<u>WATERMILL, SECTION 2</u> (Effective 10/30/2006)	
Flour Mill Court (Route 7058) - From Flour Mill Drive (Route 7057) to Cul-de-sac	0.06 Mi.
Flour Mill Drive (Route 7057) - From South Windmill Ridge Drive (Route 7056) to Flour Mill Court (Route 7058)	0.05 Mi.
Flour Mill Drive (Route 7057) - From Flour Mill Court (Route 7058) to Cul-de-sac	0.10 Mi.
Mill Flume Court (Route 7060) - From Mill Flume Drive (Route 7059) to Cul-de-sac	0.10 Mi.

Mill Flume Drive (Route 7059) - From Mill Flume Court (Route 7060) to Cul-de-sac 0.17 Mi.

Mill Flume Drive (Route 7059) - From South Windmill Ridge Drive (Route 7056) to Mill Flume Court (Route 7060) 0.03 Mi.

South Watermill Ridge Drive (Route 7056) - From Watermill Parkway (Route 5583) to Flour Mill Drive (Route 7057) 0.04 Mi.

South Windmill Ridge Drive (Route 7056) - From Flour Mill Drive (Route 7057) to Mill Flume Drive (Route 7059) 0.09 Mi.

South Windmill Ridge Drive (Route 7056) - From Water Race Drive (Route 7061) to temporary end of maintenance 0.01 Mi.

South Windmill Ridge Drive (Route 7056) - From Mill Flume Drive (Route 7059) to Water Race Drive (Route 7061) 0.10 Mi.

Water Race Drive (Route 7061) - From South Windmill Ridge Drive (Route 7056) to temporary end of maintenance 0.02 Mi.

WINDY CREEK, SECTION B  
(Effective 10/31/2006)

Dortonway Court (Route 7039) - From Dortonway Drive (Route 2767) to Cul-de-sac 0.03 Mi.

Dortonway Place (Route 7040) - From Dortonway Drive (Route 2767) to Cul-de-sac 0.05 Mi.

Ayes: King, Miller, Humphrey, Sowder and Warren.  
Nays: None.

**10. FIFTEEN-MINUTE CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS**

There were no requests from citizens to address the Board at this time.

**11. DINNER**

On motion of Mr. King, seconded by Mr. Miller, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: King, Miller, Humphrey, Sowder and Warren.  
Nays: None.

Reconvening:

## **12. INVOCATION**

Deacon Michael Hall, New Deliverance Evangelistic Church, gave the invocation.

## **13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

Eagle Scout David Abraham led the Pledge of Allegiance to the flag of the United States of America.

## **14. RESOLUTIONS**

### **o RECOGNIZING MR. DAVID POTHEN ABRAHAM UPON ATTAINING RANK OF EAGLE SCOUT**

Mr. Kappel introduced Mr. David Abraham, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. David Pothen Abraham, Troop 806, sponsored by Woodlake United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, David has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 21<sup>st</sup> day of November 2006, publicly recognizes Mr. David Pothen Abraham, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the county to have such an outstanding young man as one of its citizens.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

Mrs. Humphrey presented the executed resolution and patch to Mr. Abraham, accompanied by members of his family,

congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Abraham expressed appreciation to the Board for the recognition and also to his family, members of his troop and others for their support.

**15. REQUESTS FOR MANUFACTURED HOME PERMITS AND REZONING  
PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE  
FOLLOWING ORDER: - WITHDRAWALS/DEFERRALS - CASES WHERE  
THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO  
OPPOSITION - CASES WHERE THE APPLICANT DOES NOT ACCEPT  
THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION  
WILL BE HEARD AT SECTION 17**

**06SN0234**

In Matoaca Magisterial District, ROBERT SOWERS requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.2 units per acre or less. This request lies on 220.2 acres fronting the north and south lines of Quailwood Road approximately 1,500 feet west of Bailey Bridge Road, also lying at the northern terminus of Holly View Parkway. Tax IDs 732-672-9726 and 733-673-8753.

Mr. Turner stated staff erroneously advertised Case 06SN0234 for the Board's November 21, 2006 meeting. He further stated the case is actually scheduled for December 13 2006. He noted no action is required by the Board on this case.

**06SN0339**

In Matoaca Magisterial District, HULL STREET ASSOCIATES, LLC AND MICHAEL DZAMAN, MANAGING MEMBER request rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 15.9 acres fronting approximately 650 feet on the south line of Hull Street Road approximately 2,330 feet west of Otterdale Road, also fronting approximately 250 feet on the north line of Hampton Park Drive. Tax IDs 710-668-3301 and 6409.

Mr. Turner stated the applicant has requested a deferral of Case 06SN0339 until January 24, 2007.

Mr. Mike Dzaman requested a deferral of Case 06SN0399 until January 24, 2007.

Mr. King called for public comment.

No one came forward to speak to the deferral.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board deferred Case 06SN0339 until January 24, 2007.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

#### **06SN0330**

In Dale Magisterial District, JHM, LLC AND CYNTHIA W. AND STEVE W. BRICKELL request amendments to rezoning (Cases 74S042, 75S045 and 78S005) to delete certain buffer requirements on 4.3 acres zoned General Business (C-5) and rezoning and amendment of zoning district map from Residential (R-7) and Community Business (C-3) to General Business (C-5) of 1.0 acre. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 5.3 acres fronting approximately 130 feet on the north line of Canasta Drive, also fronting approximately 470 feet on the west line of Iron Bridge Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 773-680-6620, 7615, 8039 and 8757.

Mr. Turner stated Mr. Miller has requested a deferral of Case 06SN0330 until December 13, 2006.

Mr. Jeff Collins, representing the applicant, stated the deferral is acceptable.

Mr. King called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Miller, seconded by Mr. Warren, the Board deferred Case 06SN0330 until December 13, 2006.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

#### **07SN0111**

In Matoaca Magisterial District, RESERVOIR LAND ASSOC. requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 2.5 acres fronting approximately 300 feet on the north line of Genito Road, also fronting approximately 130 feet on the east line of North Woolridge Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 719-685-2188 and 3788 and 719-686-2706.

Mr. Turner presented a summary of Case 07SN0111 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Mickey Blalock, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved Case 07SN0111 and accepted the following proffered conditions:

1. The density shall not exceed five (5) units. (P)
2. Prior to any site plan approval, the Applicant shall dedicate forty-five (45) feet of right-of-way on the north side of Genito Road and forty-five (45) feet of right-of-way on the east side of North Woolridge Road, measured from the centerlines of those roads immediately adjacent to the property, free and unrestricted to and for the benefit of Chesterfield County. (T)
3. There shall be no direct vehicular access from the property to Genito Road or North Woolridge Road. (T)
4. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there is to be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
5. No run-off from any impervious surfaces shall be discharged to the east. (EE)
6. Appropriate facilities shall be constructed on-site to achieve the 0.22 phosphorus standard. (EE)
7. Public water and wastewater systems shall be used. (U)
8. Impact on Capital Facilities. The applicant, subdivider, or assignee (s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for the infrastructure improvements within the service district for the Property:
  - a) \$15,600 per dwelling unit, if paid prior to July 1, 2007.
  - b) The amount approved by the Board of Supervisors, but not to exceed \$15,600 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations. Payments in excess of \$15,600 shall be prorated as set forth above.
  - c) Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

9. All dwelling units shall have a minimum gross floor area of 1,500 square feet. (P)
10. The following architectural standards will be followed:
  - a. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer.
  - b. The architectural appearance shall employ the following materials: brick or stone veneer, composition siding, hardiplank or vinyl siding and 20 year asphalt shingles (P & BI)

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

#### **07SN0124**

In Bermuda Magisterial District, JAMES E. HIGGINS, SR. requests rezoning and amendment of zoning district map from Residential (R-7) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies on 0.4 acre fronting approximately 200 feet on the south line of West Hundred Road approximately 170 feet west of Gill Street. Tax IDs 792-656-2927 and 3825.

Mr. Turner presented a summary of Case 07SN0124 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. James Higgins stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 07SN0124 and accepted the following proffered conditions:

1. Uses permitted shall be limited to the following and shall meet Corporate Office (O-2) District standards:
  - a. Contractors' Offices and Display Rooms
  - b. Uses permitted by right or with restrictions in the Neighborhood Office (O-1) District. (P)
2. Prior to any site plan approval, forty -five (45) feet of right-of-way on the south side of West Hundred Road (Route 10), measured from the centerline of that part of Route 10 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. Direct access from the property to Route 10 shall be limited to one (1) entrance/exit. The exact location of

this access shall be approved by the Transportation Department. (T)

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

## **16. PUBLIC HEARINGS**

### **16.A. TO CONSIDER CONVEYANCE OF A 2.4-ACRE PARCEL LOCATED ON WHITEPINE ROAD IN THE CHESTERFIELD COUNTY INDUSTRIAL AIRPARK TO DENNIS F. HARRUP, III**

Ms. Tina Shreve, Project Manager with the Economic Development Department, stated this date and time has been advertised for a public hearing for the Board to consider the conveyance of a 2.4-acre parcel located on Whitepine Road in the Chesterfield County Airpark to Dennis F. Harrup, III.

Mr. King called for public comment.

No one came forward to speak to the issue.

On motion of Mr. Miller, seconded by Mr. Warren, the Board authorized the County Administrator to enter into a contract approved by the County Attorney to convey a 2.4-acre parcel located on Whitepine Road to Dennis F. Harrup, III.

And, further, the Board authorized the County Administrator to enter into a purchase contract on terms approved by the County Attorney.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

### **16.B. TO CONSIDER TECHNICAL AMENDMENTS TO CHESTERFIELD COUNTY CODE SECTION 9-132, RELATING TO PROCESSING FEES AND FEES FOR COURTHOUSE SECURITY**

Mr. Micas stated this date and time has been advertised for a public hearing for the Board to consider technical amendments to Section 9-132 of the County Code relating to processing fees and fees for Courthouse security. He stated the 2006 General Assembly required jurisdictions to mandate that these fees be used for sheriff and security activities.

In response to Mr. Miller's question, Mr. Micas stated the county is collecting the maximum amount allowed under the state statute for these fees.

Mr. King called for public comment.

No one came forward to speak to the issue.

On motion of Mr. King, seconded by Mr. Miller, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTION 9-132 RELATING TO PROCESSING FEES AND FEES FOR COURTHOUSE SECURITY

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 9-132 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

**Sec. 9-132. Collection of processing fees for persons admitted to jail following conviction and fees for courthouse security.**

(a) (1) In addition to any other fees prescribed by law, a \$25.00 processing fee is hereby imposed on every individual admitted to the county or regional jail following conviction in a district or circuit court.

(2) This processing fee shall be ordered as a part of court costs collected by the clerk, deposited into the account of the county treasurer, and shall be appropriated to the sheriff to defray the costs of processing arrested persons into the jail.

(b) (1) In addition to any other fees prescribed by law, a fee of \$5.00 is hereby imposed in each criminal and traffic case in which the defendant is convicted of a violation of any statute or ordinance. The clerks of the district and circuit courts shall charge and collect this fee as a part of the fees taxed as costs.

(2) After collection by the clerk of the court in which the case is heard, the fee shall be remitted to the county treasurer and held to be appropriated by the board of supervisors to the sheriff's office solely for the funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

**17. REMAINING MANUFACTURED HOME PERMITS AND ZONING REQUESTS**

**06SN0194** (Amended)

In Clover Hill Magisterial District, BLUESTONE REAL ESTATE, LLC requests rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 28.9 acres fronting approximately 1,220 feet on the north line of Hull Street Road at its intersection with Ladino Lane. Tax IDs 750-687-7530, 9465, 9741 and 9882; and 751-687-1519, 3263, 6434 and 6883.

Ms. Beverly Rogers presented a summary of Case 06SN0194 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions. She noted the request conforms to the Route 360 Plan. She stated staff would recommend that the proposed open space area be relocated at the major entrance to the project. She further stated concerns were expressed at the Planning Commission meeting relative to building height, impact on Gregory's Pond, buffers and setbacks adjacent to the Amberleigh development, and an existing grave on the property. She further stated, since the Commission's consideration of the request, proffered condition 6 has been modified to delete a requirement for a fence along the eastern property line, as a result of the applicant's discussions with Amberleigh residents; and proffered condition 21 has been added requiring that the developer contribute \$30,000 towards installation of a traffic signal at the intersection of Amberleigh Boulevard and Route 360, should that traffic signal be warranted within five years of the date of recordation of the initial subdivision plat. She stated staff recommends acceptance of the amended and additional proffered conditions.

Mr. Miller stated he received a letter today from Mr. David Hull regarding flooding issues in the vicinity of the proposed development.

Mr. John Easter, representing the applicant, provided details of the amended and additional proffered conditions.

Discussion ensued relative to VDOT's position regarding a traffic signal at the intersection of Hull Street Road and Amberleigh Boulevard.

Mr. Easter stated staff looks for a focal point near the entrance of the community. He further stated the proposed community has two entrances, and the applicant has requested a focal point in the area of the existing pond on the subject property. He requested the Board's approval of the Planning Commission's recommendation, with the amended and additional proffered conditions.

Mr. King called for public comment.

Ms. Shirley Dillar expressed concerns relative to the small size of the lots in the proposed development and suggested that a buffer be provided between the proposed development and Amberleigh. She inquired whether photographs of the proposed development are available, indicating that she does not want Amberleigh degraded by the project.

Mr. David Hull, an adjoining property owner and President of the Broad Rock Fishing Club, expressed concerns regarding the developer's plans to control stormwater runoff and erosion and requested that the Board consider his property, which is downhill from the proposed development. He stated there is a holding pond, which has been proposed to be modified and improved to hold the stormwater runoff from the proposed development, but expressed concerns that half of the development is topographically downstream from the holding pond. He further stated he contacted the Virginia Outdoor Foundation, which has an easement across the subject property, and was referred to Mr. Fred Fisher in the Attorney

General's office. He stated Mr. Fisher informed him that, if the developer insists that nothing can be done about the area downstream from the proposed holding pond, then he should request that the county require that the developer impart low impact development to keep stormwater runoff from affecting properties downstream.

Mr. Warren expressed concerns relative to the photos provided by Mr. Hull of flooding that recently occurred in this area.

In response to Mr. Warren's question, Mr. Hull stated flooding of the area is a yearly occurrence, rather than a 100-year type of situation. He further stated the creek that goes through the subject property is the main source of drainage for property all the way back to Rockwood Park that has a tendency to flashflood deep enough to make his driveway impassable. He stated the flooding has not necessarily occurred as a result of the Amberleigh development. He further stated his neighbor's property has a lot of silt running onto it from the Amberleigh development, and his neighbor had to build a retaining wall. He stated he believes this is a result of the land being cleared, but nothing being built. He further stated paving and developing the property will create additional runoff, and he is concerned about what the developer proposes to do with the runoff.

Mr. Warren stated Mr. Hull has a right to assurance that the stormwater runoff onto his property will at least not be worsened as a result of the proposed development, and if anything, that it will be improved as development occurs.

Mr. Hull stated the recent flooding did not have anything to do with the Amberleigh development, and he would like assurance from the county that the proposed development will not worsen flooding of his property and that the value of his property and his neighbors' property will not be diminished.

Mr. Easter requested that the engineer working with the proposed development address the drainage issues.

Mr. Taylor Goodman, engineer with Balzar and Associates, stated the drainage issues can be addressed and the information provided by Mr. Hull will help as the project moves forward.

In response to Mr. Warren's question, Mr. McElfish stated the developer will be required to modify the existing pond to current standards. He further stated he is comfortable that the issues raised by Mr. Hull can be managed through the proffered conditions. He stated staff will have more information to consider when the tentative site plan is submitted, and Mr. Hull will have the opportunity for input during the approval process of the tentative site plan.

In response to Mr. King's question, Mr. McElfish stated the engineer has indicated that the stormwater runoff will remain the same or be improved. He further stated there is a short distance from the existing pond on the subject property to Gregory's Pond, and state criteria must be met for adequate natural watercourses and things of that nature.

Mr. Miller inquired why staff's report states that there are no existing or anticipated on or off-site erosion or drainage problems.

Mr. McElfish stated staff was unaware of the drainage issues when the report was prepared. He further stated drainage issues sometimes come to light through the zoning process.

Mr. Miller inquired about the possibility of a condition stating that necessary measures be implemented to ensure that conditions are not worsened. He stated he is not as comfortable with Mr. McElfish being able to address the drainage issues through state criteria as he would be with a zoning condition.

Mr. Warren stated he, too, has some discomfort. He expressed concerns that improving the holding pond will not solve the problem.

Mr. Easter stated, as the development is designed, most of the drainage will go into the pond, and the developer will have to retain enough water so that conditions are not worsened. He further stated Environmental Engineering staff may require improvements to the pond during the site plan process. He stated the proposed density is just over four units per acre, indicating that the Plan calls for up to six units per acre. He noted a number of Amberleigh residents worked with the applicant and were supportive of the proposed density.

There being no one else to speak to the request, the public hearing was closed.

Mrs. Humphrey stated she is not convinced that a zoning condition relative to drainage does not have merit. She expressed concerns relative to the photographs submitted by Mr. Hull and stated if an effort was made during the site planning process for Amberleigh to manage the water movement, the county did not do a very good job.

In response to Mrs. Humphrey's question, Mr. McElfish stated Gregory's Pond runs into Falling Creek.

Mrs. Humphrey stated there have been massive problems with flooding of Falling Creek.

Discussion ensued relative to current standards for drainage ponds, including minimum pipe size, freeboard and storage.

Mr. Warren suggested that the Board either move the request to the end of the zoning agenda and that a condition be crafted stating that drainage from the proposed development will not result in any worsening of the current situation, or that the request be deferred for 30 days to make sure that everyone is comfortable with the plans to address drainage concerns.

It was generally agreed upon that this case be moved to the end of the zoning agenda to allow the applicant and staff time to try and address Mr. Hull's drainage concerns.

**06SR0340**

In Dale Magisterial District, BOBBY AND KATHY SPROUSE request renewal of Conditional Use (Case 03AN0229) and amendment of zoning district map to permit a business (motor vehicle repair) incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies in a Residential (R-7) District on 1.4 acres fronting approximately 200 feet on the north line of Omo Road approximately 530 feet east of Old Zion Hill Road. Tax IDs 773-681-2145 and 3148.

Ms. Rogers presented a summary of Case 06SR0340 and stated the Planning Commission recommended approval and acceptance of proffered conditions 1 through 8 and 10 through 12, and that proffered condition 9 not be accepted because the zoning ordinance addresses parking lot treatment. She further stated the Planning Commission noted that the uses existed under a Special Exception granted by the Board of Zoning Appeals and that there has been no opposition expressed regarding the use during the time period it has existed under the special exception. She stated staff recommended denial because the use has operated without complying with landscaping requirements imposed by the Board of Zoning Appeals; however, the applicants have indicated that, if the request is approved, they will comply with the landscaping requirements.

Mrs. Kathy Sprouse, accompanied by her husband, requested the Board's approval of the Conditional Use renewal for an indefinite period of time. She stated they were not familiar with the landscaping requirements of the Board of Zoning Appeals, but are willing to comply with those requirements.

In response to Mr. Miller's question, Mrs. Sprouse stated the business has been in existence since 2003, and there are wooded lots on both sides of their property.

Mr. King called for public comment.

Mr. Jackie Payne stated he supports the proposed request.

There being no one else to speak to the request, the public hearing was closed.

Mr. Miller stated he does not believe motor vehicle repair is appropriate for a residential area, but recognizes that the applicants have been working under Board of Zoning Appeals approval for three years. He further stated he intends to make a motion for approval, subject to a five-year time limitation.

Ms. Rogers provided the following text for a condition that could be imposed by the Board: "This Conditional Use shall be granted for a period not to exceed five years from the date of approval."

Mr. Miller stated things could change in five years that might dictate that it would not be preferable to continue the use.

Mr. Miller then made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 06SR0340, subject to the five-year time limitation condition, acceptance of proffered conditions 1 through 8 and 10-12, and that proffered condition 9 not be accepted.

Mrs. Humphrey stated she agrees that the use should be reevaluated on a regular basis.

Mr. King called for a vote on the motion of Mr. Miller, seconded by Mrs. Humphrey, for the Board to approve Case 06SR0340, subject to the following condition:

This Conditional Use shall be granted for a period not to exceed five (5) years from the date of approval. (P)

And, further, the Board accepted the following proffered conditions:

1. This Conditional Use shall be granted to and for Bobby L. Sprouse, Jr. or Katherine Sprouse, exclusively, and shall not be transferable nor run with the land. (P)
2. This Conditional Use shall be limited to the operation of a motor vehicle repair business, excluding body, major engine and transmission repair. (P)
3. No employees, other than family member employees that live on the property, shall be permitted. (P)
4. A maximum of four (4) motor vehicles associated with the repair business shall be parked on the site at any time. (P)
5. Hours of operation shall be limited to between 8:00 a.m. and 5:00 p.m., Monday through Saturday. No Sunday operation shall be permitted. (P)
6. All repair activity and storage of associated materials shall occur inside the existing detached garage located on Tax ID 773-681-3148 and labeled as "New Garage" on the attached plat dated August 10, 1994 as prepared by Robert K. Thomas and Associates. (P)
7. No additions or exterior alterations shall be permitted to the dwelling or accessory buildings to accommodate this use. (P)
8. There shall be no signs identifying this use. (P)
9. NOT ACCEPTED
10. Landscaping and/or fencing shall be installed to minimize the views of the motor vehicle parking area from the adjacent properties and Omo Road. The exact species, number and spacing of plant material and/or fencing details shall be reviewed and approved by the Planning Department as outlined in Proffered Condition 11. (P)
11. Within thirty (30) days of approval of this request, the applicants shall submit a plan depicting the landscaping and/or fencing requirement noted in Proffered Condition

10 and the parking and driveway areas for review and approval by the Planning Department. In conjunction with this review, a phasing plan for the installation of these improvements shall be reviewed and approved. (P)

12. Within sixty (60) days from the date of the Board of Supervisors' approval of this request, thirty-five (35) feet of right-of-way on the north side of Omo Road, measured from the centerline of the part of Omo Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

### **06SN0325**

In Matoaca Magisterial District, VERNON MCCLURE requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 18.1 acres fronting approximately 580 feet on the west line of Otterdale Road, approximately 1,330 feet south of Broadmoor Road. Tax ID 708-680-1184.

Ms. Rogers presented a summary of Case 06SN0325 and stated the Planning Commission, on a vote of 3 to 2, recommended denial, expressing concerns relative to lack of infrastructure to support development in the area and the lot sizes. She further stated staff recommended approval, indicating that the proposed zoning and land uses conform to the Upper Swift Creek Plan and the proffered conditions adequately address the impacts of the proposed development on necessary capital facilities.

Mr. Vernon McClure stated the proposed development is an extension of the project to the north of the subject property. He further stated a regional BMP will be built to handle the stormwater runoff; there will be no additional access to Otterdale Road from the subject property; and the applicant will widen a portion of Otterdale Road, as well as pay the full cash proffer. He stated the average lot size of the 36 lots will be 16,000 square feet. He provided photos of the homes proposed for the development.

Mr. King called for public comment.

Ms. Kitty Snow, a resident of Moseley, expressed concerns about the continued approval of zoning cases in the Upper Swift Creek area despite the lack of infrastructure. She requested that the Board consider the cumulative effect of the number of cases that have been approved and deny the request.

Ms. Stacey White, representing the Hampton Park Board of Directors, stated she does not support the request because of lack of infrastructure.

Ms. Marleen Durfee, representing the Responsible Growth Alliance of Chesterfield County, expressed concerns that Otterdale and Woolridge Roads, which are the only arterial roads that remove traffic from Hull Street, have not been widened. She also expressed concerns relative to congestion, traffic accidents and deaths, and to the health, safety and welfare of residents in this area. She stated, although the proposed development complies with the Plan, it does not meet the needs of what the Plan has asked for.

Mr. Kirk Castle expressed concerns relative to the unsafe conditions and constant increase in traffic on Otterdale Road. He stated he opposes any new development on Otterdale Road until it has been improved.

Ms. Andrea Epps reminded the Board that Magnolia Green was zoned with the expectation that Powhite Parkway was going to be extended. She stated Otterdale and Woolridge Roads need to be improved, as do many other roads in the county.

Mr. McClure stated he agrees that Otterdale Road needs improvements, but it is his understanding that the only road improvements being made at this time are as a result of development. He further stated the developer will improve a section of Otterdale Road, as well as provide a full cash proffer.

There being no one else to speak to the request, the public hearing was closed.

Discussion ensued relative to road connections and the applicant's plan to address runoff from the proposed project and the project to the north of the subject property, and to concerns expressed by Planning Commissioners Bass, Gulley and Litton, which led to the recommendation for denial.

In response to Mr. Miller's question, Ms. Rogers stated there have been no changes to the case to address the Commission's concerns relative to adequate infrastructure. She further stated the lot sizes have not changed, but the applicant has now agreed to a recommended condition by staff relative to average lot sizes, which he had not agreed to do at the Planning Commission's public hearing.

Discussion ensued relative to proposed lot sizes of this development and other area developments.

Mr. Warren inquired about the status of the Upper Swift Creek Plan amendment.

Mr. Turner stated the Planning Commission deferred its work session on the Plan amendment until February 2007. He further stated, after the work session, community meetings will be held and a public hearing will be advertised, indicating that he anticipates this to be held in the fall of 2007 at the earliest. He noted the draft Plan amendment has expanded the deferred growth area into the Upper Swift Creek area, indicating that he thinks there is a difference of opinion amongst Planning Commission members as to what the boundary limits of the deferred growth area should be.

Board members expressed concerns relative to the length of time for the Upper Swift Creek Plan amendment to be completed.

Mr. Turner stated the Water Quality Division of Environmental Engineering is still working on their analysis of the phosphorous loading that the reservoir could accept and the impact of property that has already been zoned. He further stated, once they complete their analysis, the proposed land uses in the draft Plan can be tested to see if it meets the water quality limits that the reservoir can accept.

Mr. King expressed concerns that the Corps of Engineers rejected the county's Regional BMP Plan.

Mr. Ramsey stated it is his understanding that, because the Corps of Engineers rejected the county's Regional BMP Plan, the Planning Commission is not comfortable moving the Upper Swift Creek Plan amendment forward until the water quality issues are addressed, indicating that the engineering work is taking a significant amount of time.

Mr. Sowder stated he heard clearly from the public valid concerns relative to transportation and other infrastructure. He further stated he is extremely encouraged after yesterday's transportation summit regarding the county addressing transportation issues in a big way. He stated, up until now, the only transportation improvements that have been made were by developers. He further stated he does see a light at the end of the tunnel for Otterdale Road improvements and hopes that the county can proceed along with the Powhite Parkway Extension, noting that there are also plans for additional schools in this area. He further stated, in his opinion, the applicant has made a good faith effort to address all issues, indicating that the small size of the proposed development should be taken into consideration as the Board makes a decision on this request.

Mr. Miller expressed concerns relative to the small lot sizes and inquired whether certain components of the Upper Swift Creek Plan amendment could be brought forward earlier than others.

Mr. Warren stated he will not support the request based on Mr. Bass's recommendation that growth be deferred in this area until adequate facilities are made available. He further stated he realizes the development will have a minimal impact on the community; but, at some point, the Board should draw the line until a plan amendment is adopted.

Mrs. Humphrey requested that a message be administratively delivered requesting that Upper Swift Creek Plan amendment be expedited and moved forward to the Board for action, indicating that perhaps the environmental component could be removed from the Plan for the time being.

Mrs. Humphrey then made a motion, seconded by Mr. Sowder, for the Board to approve Case 06SN0325, subject to the following conditions:

1. Except as stated herein, the Textual Statement shall be considered the Master Plan. (P)

2. Any residential lots having sole access through Westerleigh Subdivision shall have an average lot size of 16,000 square feet. Such lots shall not exceed a density of 2.0 dwelling units per acre. (P)

And, further, the Board accepted the following proffered conditions:

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 708-680-1184 (the "Property") under consideration will be developed according to the following conditions, if and only if, the rezoning request for R-12 (CUPD) is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force and effect.

1. Timbering:

Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved erosion control devices have been installed. (EE)

2. Utilities:

Except for the temporary model home within a modular unit, the public water and wastewater systems shall be used. (U)

3. Cash Proffer:

The applicant, sub divider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of each building permit for infrastructure improvements within the service district for the property:

- a. \$15,600 per dwelling unit, if paid prior to July 1, 2007; or the amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations.
- b. Provided, however, that if any building permits issued on the property are for senior housing, as defined in the proffer on age-restriction, the applicant, sub-divider, or assignee(s) shall pay \$10,269 per dwelling unit if paid prior to July 1, 2007, or the amount approved by the Board of Supervisors, but not to exceed \$10,269 per dwelling unit as adjusted upward by any increase in the

Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007. At the time of payment, the \$10,269 will be allocated pro-rata among the facility costs as follows: \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations. Payments in excess of \$10,269 shall be prorated as set forth above.

- c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at anytime during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a matter determined by the county.
- d. If, upon the mutual agreement of the Transportation Department and the applicant, the applicant provides road improvements (the "Improvements"), other than the road improvement identified in Proffered Condition 9, then the transportation component in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer as determined by the Transportation Department. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the applicant shall commence paying the cash proffer as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the applicant shall receive prior written approval by the Transportation Department for the Improvements and any credit amount. (B&M and T)

4. Density.

The total number of units shall not exceed 36. (P)

5. Age Restriction:

Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons; as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein" (P)

6. Senior Housing:  
Any dwelling units designated for senior housing as defined in the proffered condition on age-restriction shall be noted on the subdivision plat. Such dwelling units shall be grouped together as part of the same development section(s). (P)
7. BMPs:  
For areas that drain through a regional BMP, temporary sediment basins shall remain in place and/or new BMPs constructed to achieve the .22 phosphorus standard until the downstream regional BMP into which the development will drain has been constructed. (EE)
8. Phasing of Development:  
No single family lots shall be recorded prior to January 1, 2007. (P)
9. Transportation:
  - a. In conjunction with recordation of the initial subdivision plat or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way along the west side of Otterdale Road, measured from a centerline based on VDOT Urban Minor Arterial Standards (50 mph) with modifications approved by the Transportation Department, of that part of Otterdale Road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
  - b. Direct vehicular access from the Property to Otterdale Road shall be prohibited.
  - c. To provide an adequate roadway system, the developer shall provide the following improvements, in conjunction with initial development of the Property:
    - 1) Widening/improving the west side of Otterdale Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and half (1.5) inches of compacted bituminous asphalt concrete with modifications approved by the Transportation Department, for the entire Property frontage.
    - 2) Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)

Ayes: King, Miller, Humphrey and Sowder.  
Nays: Warren.

Mr. King requested a five-minute recess.

Reconvening:

**06SN0345**

In Matoaca Magisterial District, GARY LIST AND LUANN LIST request Conditional Use and amendment of zoning district map to permit a residential stock farm (keeping of chickens) in a Residential (R-25) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies on 1.9 acres and is known as 11918 Riverpark Way. Tax ID 722-649-0486.

Ms. Rogers presented a summary of Case 06SN0345 and stated the Planning Commission and staff recommended denial, indicating that typical suburban residential development has occurred in this area and the proposed land use is incompatible with existing area residential development. She further stated there was opposition at the Planning Commission meeting expressing concerns relative to noise and odor.

In response to Mr. Miller's question, Ms. Rogers stated no chickens are allowed in a residential area without a Conditional Use.

Mr. Gary List stated he has been housing 25 chickens for ten months and has not received any personal complaints. He further stated he has several signatures of adjacent property owners and neighbors, as well as letters of support. He stated the chickens cannot be seen from the road, and he would consider decreasing the number of his flock to obtain the Conditional Use permit.

Mr. King called for public comment.

Ms. Charlotte Wilson, a resident of the neighborhood, stated she supports the request.

There being no one else to speak to the request, the public hearing was closed.

Mrs. Humphrey stated Mr. and Mrs. List went through the hatchling process as part of a school exercise for their children. She further stated she has no problems with the chickens, but someone in the neighborhood filed a complaint, and the county must respond to it. She stated the county ordinance prohibits yard fowl in residentially zoned communities. She further stated, if the application were approved with a condition reducing the number of chickens, the next applicant would want a different type of animal; therefore, she must deny the request based on the county's current ordinance regarding yard fowl.

Mrs. Humphrey then made a motion for the Board to deny Case 06SN0345.

Mr. King expressed concerns that Mr. and Mrs. List are victims of the system, but the Board must take into consideration other thousands of homes in the county.

Mr. King seconded Mrs. Humphrey's motion.

Mr. King called for a vote on the motion of Mrs. Humphrey, seconded by Mr. King, for the Board to deny Case 06SN0345.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

**06SN0194** (Amended)

In Clover Hill Magisterial District, BLUESTONE REAL ESTATE, LLC requests rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 28.9 acres fronting approximately 1,220 feet on the north line of Hull Street Road at its intersection with Ladino Lane. Tax IDs 750-687-7530, 9465, 9741 and 9882; and 751-687-1519, 3263, 6434 and 6883.

Mr. King noted that the public hearing was closed earlier on this case.

Mr. Easter stated he met with Mr. Hull and Mr. McElfish regarding the drainage issue. He further stated it was clear that the most sensitive spot on Mr. Hull's property is the low spot where his driveway crosses the creek. He stated the applicant has agreed to the following condition dealing with runoff from the proposed development to protect Mr. Hull's driveway from flooding after the 100-year storm: "The project shall be designed such that the driveway of Tax ID 7516883743 shall remain above the water level during the 100-year storm." He further stated this will allow the developer flexibility to either provide water retention on-site or to improve Mr. Hull's driveway, if he permits the developer to do so. He stated the developer will still have to follow Environmental Engineering's standard requirements during the tentative subdivision phase. He further stated Mr. Hull was agreeable to this additional assurance.

Mr. Micas stated the Board would have to impose the language as a condition of approval.

Mr. Warren made a motion for the Board to approve Case 06SN0194, subject to the new condition, and acceptance of the proffered conditions, including amended Proffered Condition 6 and the additional Proffered Condition 21.

Mr. King seconded the motion.

Mr. King then called for a vote on the motion of Mr. Warren, seconded by Mr. King, for the Board to approve Case 06SN0194, subject to the following condition:

The project shall be designed such that the driveway on Tax ID 751-688-3743 shall remain above the water level during the 100-year storm. (EE)

And, further, the Board accepted accept the following proffered conditions:

1. Master Plan. The textual statement dated September 13, 2006 shall be considered the Master Plan. (P)
2. Sidewalks and Trails. Sidewalks and trails shall be provided that facilitate pedestrian access within the development and to the adjacent properties. Sidewalks shall be provided on both sides of public streets that have dwelling units fronting the street. (P)
3. Streets Trees. Street trees shall be planted along both sides of all public streets. (P)
4. Open Space and Focal Point. A minimum of .75 acres of open space shall be provided along the east/west collector for a focal point. Part of the area shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings. The focal point shall be developed concurrent with the first phase of development. The existing pond shall remain and shall be landscaped or otherwise improved so as to become a visual enhancement to, and amenity for, the development. (P)
5. Entrance Features. Decorative brick columns shall be provided generally as shown on Exhibit A at the primary entrance off Hull Street Road, and generally as shown on Exhibit B at the secondary entrance to the development. (P)
6. Wall Along Hull Street Road. Within the setback along Hull Street Road, a decorative wall with a height of at least five (5) feet shall be provided. The wall shall be constructed of brick, block with stucco finish, or pre-cast concrete forms. If pre-cast forms are utilized, both sides of the wall will be textured in similar form. (P)
7. Driveways. All private driveways shall be hardscaped. The exact treatment shall be approved at the time of plan review. (P)
8. Building Materials and Foundation Treatment. All sides of dwellings units shall be constructed with brick, stone or concrete-composite type siding material. The roofing materials shall be 30-year dimensional shingles. All exposed portions of the foundation and exposed piers supporting front porches shall be faced with brick or stone. (P)
9. Dwelling Size. Dwelling units shall have a minimum gross floor area of 2000 square feet. (P)
10. Density. A maximum of 121 lots shall be permitted. (P)
11. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental

Engineering Department and the approved devices installed. (EE)

12. Utilities. Public water and wastewater systems shall be used. (U)
13. Cash Proffer. The applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
  - a. \$15,600 per dwelling unit, if paid prior to July 1, 2007; or the amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.
  - b. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should any impact fees be imposed by Chesterfield County at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the county. (B&M)
14. Access to Hull Street Road. Direct vehicular access from the property to Hull Street Road shall be limited to one (1) public road. This public road shall be limited to right turns in/out at its intersection with Hull Street Road. The exact location of this access shall be approved by the Transportation Department. (T)
15. Transportation Improvements. The owner/developer shall be responsible for the following:
  - a. Dedication to Chesterfield County, free and unrestricted, of a forty (40) foot wide right-of-way for an "east/west collector road" through the property, unless otherwise required by VDOT.
  - b. Construction of two lanes of the east/west collector road through the property. The exact location of this improvement shall be approved by the Transportation Department.
  - c. Construction of additional pavement along Hull Street Road at the public road intersection to provide a right turn lane. The exact length of this improvement shall be approved by the Transportation Department.
  - d. Removing the existing crossover on Route 360 at Ladino Lane, to the extent approved by VDOT, including, but not limited to, removal of the existing asphalt, grading, and seeding.
  - e. Construction of sidewalk along both sides of the east/west collector road.

- f. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
16. Phasing Plan. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 15 above, shall be submitted to and approved by the Transportation Department. (T)
17. Public Roads. All roads within the property (not including alleys) shall be designed and constructed to VDOT standards and taken into the State System ("Public Roads"). Prior to or in conjunction with recordation of the initial subdivision, rights of way for the Public Roads shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
18. Restrictive Covenants. Prior to subdivision plan approval, Restrictive Covenants shall be recorded that provide for the following:
- a. No unit shall be used except for residential and home occupation purposes as provided in the Chesterfield County Zoning Ordinance with the exception of an office model used for the purpose of marketing the units to homebuyers.
  - b. No noxious or offensive activity shall be carried on by any resident, nor shall anything be done thereon which may be, or become, an annoyance or nuisance to the neighborhood.
  - c. No structure of a temporary character, trailer, tent, shack, garage, or other outbuilding shall be used at any time as a residence either temporarily or permanently, and to this end, any building to be constructed in this development shall be completed within one year from the issue date of its building permit. Any PODs, storage bins, moving units, etc. shall only be permitted on the premises for no more than 48 hours. Temporary trailers may be used by the developer or the developer's contractors to be used as construction offices only for the time period to cover the construction of the roads and dwelling units.
  - d. No campers, house trailers or boats shall be parked on the premises, except for loading and unloading activities. No skateboard platforms, large dish television antennae as permitted by law (exceeding two feet in diameter), or television or radio towers shall be placed on the premises. No dish television antennae shall be visible from the street for the respective residence.
  - e. No sign of any kind shall be displayed to the public view on any yard except one professional sign of not more than three square feet and one sign of not more than five square feet advertising the property for sale, and one sign of not more than five square feet for a builder to advertise

the property during the construction and sales period.

- f. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept therein if they are not kept, bred, or maintained for any commercial purposes.
- g. No part of this development shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. No rubbish, trash, garbage, and other waste shall be kept by any unit except in sanitary containers, and all equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No central dumpsters shall be provided. Each unit shall be provided an area that is screened and built on concrete slab to hold the sanitary containers.
- h. Each and every covenant and condition herein imposed may be enforced by the undersigned or by the owner of any unit by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same to prevent or rectify such violation and to recover damages therefore.
- i. The covenants and conditions herein contained shall run with the land and shall be binding upon the subsequent owner or owners of all or any unit and each and every portion of the land shown on the plat and all parties claiming through or under such owner or owners.
- j. All dwelling units shall have washer and dryer hookups.
- k. Establishment of a homeowners association that shall be responsible for repair and maintenance of all common areas and building exteriors on individual lots. A mandatory fee shall be assessed on a regular basis to provide funds for such repair and maintenance by the homeowners association.
- l. Incorporation of Design Guidelines for the Property, which shall include the items set out in Items To Be Included in Design Guidelines, attached as Exhibit C, which Design Guidelines shall be administered by an architectural review committee ("ARC").
- m. The restrictive covenants and Architectural Guidelines shall not be changed until fifteen (15) years after the date of the issuance of the first building permit.
- n. No detached accessory buildings, other than garages, shall be permitted on individual lots. Garages shall not exceed 30 feet in width, and windows therein shall not exceed 20 feet above ground level.

- o. Propane tanks with a capacity exceeding forty (40) pounds shall not be permitted.
  - p. An automated sprinkler system shall be required in the front yards of each individual lot. (P)
19. Garages and Alleys. All homes located on the Property shall have garages. Front loaded garages shall be located no closer to the street than the front facade of the dwelling unit. (P)
20. Lot Area and width. Each lot shall have an area not less than 5,000 square feet and a lot width of not less than fifty (50) feet. (P)
21. Contribution for Traffic Signal. Upon a determination that installation of a traffic signal at the intersection of Amberleigh Boulevard and Hull Street Road (Route 360) is warranted, as determined by the Transportation Department, and upon request by the Transportation Department, at any time within a five (5) year period following recordation of the initial subdivision plat for the property, the applicant, its successors or assigns, shall pay \$30,000.00 to Chesterfield County for installation of the signal. In the event the cash contribution is not used for this purpose within five (5) years from the date of the contribution, and upon written request submitted to the Transportation Department, the cash contribution shall be returned in full to the payer. (T)

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

**18. FIFTEEN-MINUTE CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS**

Ms. Marleen Durfee stated the Upper Swift Creek Plan amendment has not been completed because of both water quality and transportation components. She expressed concerns that she was unable to speak the Public Comment Period on the agenda. She suggested, if the Board is going to change its agenda, that it do so at the beginning of the meeting so that people will not miss a public comment period. She stated she is disappointed that the Transportation Summit did not include Planning Commission members, legislators and other stakeholders, and that the discussion evolved around financing options and not other transportation issues, such as land use and transportation. She further stated funding is not the only answer to solving the county's traffic congestion issues.

Mr. King commended the Board on working together at yesterday's transportation summit, indicating that no one was denied their right to speak.

19. ADJOURNMENT

On motion of Mr. King, seconded by Mr. Warren, the Board adjourned at 9:20 p.m. until December 13, 2006 at 3:30 p.m.

Ayes: King, Miller, Humphrey, Sowder and Warren.

Nays: None.

---

Lane B. Ramsey  
County Administrator

---

R. M. "Dickie" King, Jr.  
Chairman